

Tob
19 March 1971

Mr. Maury,

1. Attached is package on Fulbright
Amendment impact on Laos activities, with
expanded spread sheet, for use in the Director's
appearance before the Senate Foreign Relations
Committee on 23 March.

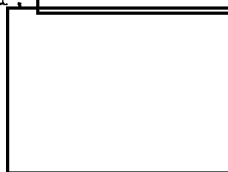
2. Copy is down with [] DD/P)
to confirm accuracy of data, which is based on
data given to Carver by FE []

STAT

STAT

3. Who else should receive complete
package -- OGC, Carver. []

STAT
STAT



*file
for Rel.*

~~SECRET~~

General Review, in Response to Question, of CIA Supported Activities
in Laos in Light of the Fulbright and Cooper-Church Amendments

Mr. Chairman, last year I followed with considerable care congressional action including floor debates on the Defense Procurement Authorization bill and the Defense Appropriation Act with respect to funding of free world forces in Southeast Asia. It seemed clear to me that there was a consensus that the Congress wished to prohibit use of such funds to finance direct military support of the governments of Cambodia and Laos.

One of my purposes in visiting Southeast Asia last December was to satisfy myself that Agency activities there were consistent with the letter and spirit of the law as I understood it from the extended floor debates and Committee reports. In arriving at my conclusions, I kept in mind three principal points which I thought were clear in those debates and Committee reports:

--First, during the course of the floor debate it seemed clear that there was no intention to disrupt ongoing and stabilized activities in Laos which had been initiated prior to that debate on the Senate floor in August of 1970.

--Second, the restrictions do not apply to support of local forces in Laos.

~~SECRET~~

~~SECRET~~

-Third, the restrictions do not affect interdiction activities on the Ho Chi Minh Trail or activities in the sanctuary areas of Laos and Cambodia [as opposed to activities designed to support the governments of Laos or Cambodia].

As a result of my review of all of our Southeast Asia programs, I feel confident that our activities there are entirely consistent with the spirit of the law in question. In fact, our only activities which might be in any way affected by these amendments are in Laos. We have two programs there which should be mentioned--one in northern Laos and one in the south.

a. Our activities in northern Laos stem from our involvement with the Meo forces since 1961 when President Kennedy ordered that we provide them guidance and support. These forces have been augmented from time to time by Thais, first in 1964 to help defend Muong Soui and later to support Vang Pao at Long Tieng.

b. CIA activities in southern Laos involve Laotian, Thai and Cambodian irregulars whose purpose is to harass North Vietnamese supply lines to Cambodia and South Vietnam. I believe it is generally understood that the Committee reports and the Senate floor debate did not convey an intent to affect interdiction activities.

With respect to the Cooper-Church amendment, the Agency is not involved since that amendment deals solely with U. S. ground combat troops.

~~SECRET~~

25X1C

Approved For Release 2006/09/25 : CIA-RDP73B00296R000200030010-6

Approved For Release 2006/09/25 : CIA-RDP73B00296R000200030010-6

SECRET

FULBRIGHT AND COOPER-CHURCH AMENDMENTS

The Fulbright Amendment

1. Defense Authorization Act (Tab A):

a. Prohibits U.S. allowances to allied troops in South Vietnam to be any higher than those paid to American troops.

b. Prohibits financing of military operations of South Vietnamese or other allied troops in support of the Governments of Cambodia or Laos.

The Fulbright amendment does not apply to local forces in Laos or Thailand. Further, per Senate floor agreement between Chairmen Fulbright and Stennis, it is not the intent of the amendment to disrupt stabilized U.S. activities in Laos which had been going on before approval of the amendment by the Senate on 21 August 1970. Finally, the amendment does not affect operation designed to interdict the flow of supplies to the South.

2. Defense Appropriations Act (Tab B):

Restates prohibitions of the Defense Authorization Act relating to payment of U.S. allowances and financing of second country military operations to support Cambodian or Laotian Governments.

But amendment to Fulbright amendment sanctions military operations in Cambodia or Laos by South Vietnamese or other allied troops: (1) to insure safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia; or (2) to aid in the release of American prisoners of war.

The Cooper-Church Amendment

1. Defense Appropriations Act (Tab C):

Prohibits funds for introduction of American ground combat troops into Laos or Thailand.

2. Special Foreign Assistance Act of 1971 (Tab D):

Prohibits funds for introduction of U.S. ground combat troops into Cambodia or to provide U.S. advisers to or for Cambodian military forces in Cambodia.

SECRET

October 7, 1970

- 5 -

Pub. Law 91-441

October 7, 1970

C MISSILE CONSTRUCTION ATIONS ON DEPLOYMENT

tion for the Safeguard anti-ballistic
the Department of the Army as

ing facilities and acquisition of real
\$322,000,000.
test, and evaluation facilities at the
00,000.

ing, four hundred units, \$8,800,000:
site, Montana, two hundred units,
d site, North Dakota, two hundred

appropriated for the purposes of
000.

this section (except subsection (b))
ons and limitations of the Military
1971, in the same manner as if such
a that Act.

he authorizations of military con-
etary of the Army or his designee is
ach terms and conditions as he may
ny-five units of temporary family
l basis by military and civilian per-
fense and their dependents at each
ith any military construction and
m equipment which is or may here-
d site, if the Secretary of the Army
ch temporary housing is necessary in
n and installation and checkout of
rary housing is not otherwise avail-
conditions.

authorized by this or any other Act may
purpose of initiating deployment of
any site other than Whiteman Air
; except that funds may be obligated
initiating advanced preparation (site
urvey, and the procurement of long
site missile system site at Francis B.
e, Wyoming. Nothing in the forego-
is a limitation on the obligation or
on with the deployment of an anti-
Forkes Air Force Base, Grand Forks,
e Force Base, Great Falls, Montana.

GENERAL PROVISIONS

with grave concern the deepening
in the Middle East and the clear
aking from such involvement which
States. In order to restore and main-
Middle East, by furnishing to Israel
an security, the President is author-
redit sale, or guaranty, such aircraft,
, maintain, and protect such aircraft,
any past, present, or future increased

military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries, which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972.

Sec. 502. Subsection (a) of section 401 of Public Law 89-267, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed \$2,800,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

"(2) No defense article may be furnished to the South Vietnamese forces, other free world forces in Vietnam, or to local forces in Laos or Thailand with funds authorized for the use of the Armed Forces of the United States under this or any other Act unless the government of the forces to which the defense article is to be furnished shall have agreed that—

"(A) it will not, without the consent of the President—

"(i) permit any use of such article by anyone not an officer, employee, or agent of that government,

"(ii) transfer, or permit any officer, employee, or agent of that government to transfer such article by gift, sale, or otherwise, or

"(iii) use or permit the use of such article for purposes other than those for which furnished;

"(B) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government;

"(C) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such article; and

"(D) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, any such article which is no longer needed for the purposes for which it was furnished.

also, avail-
ability for
Vietnamese
forces, etc.
83 Stat. 206.

Fulbright
Amend. (a)

77 Stat. 226;
79 Stat. 547.

Cambodia and
Laos.

Fulbright
Amend. (b)

SECRET

Sec. 838. (a) Not to exceed \$2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine: *Provided*,

Vietnamese
forces, etc.,
support.

January 1, 1971

84 STAT. 2037

Limitations.

77 Stat. 216;
79 Stat. 547.

That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code, in agreements executed prior to July 1, 1970. *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos. *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

Fulbright
Amendment (a)

Fulbright
Amendment (b)

Amendment
to
Amendment

Report to
Congress.

(b) Within thirty days after the end of each quarter, the Secretary of Defense shall render to Congress a report with respect to the estimated value by purpose, by country, of support furnished from such appropriations.

Sec. 839. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget.

Payments
prohibited
to convicted
rioters.

Sec. 840. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Loans to
campus
disruptors,
prohibition.

Sec. 841. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Procurement
funds, time
limitation.

Sec. 842. (a) Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test, and Evaluation,

Navy, Research, Development, Test, and Evaluation, shall not be available for obligation after June 30, 1975. Appropriations shall be merged for the period as appropriation.

(b) Section 642 of the 1970 (Public Law 91-171, repealed.

Sec. 843. In line with the United States, none of the funds appropriated by this Act shall be used to finance the in troops into Laos or Thailand.

Sec. 844. None of the funds appropriated by this Act shall be available for the purposes of section 91-511, approved October 1, 1964.

Sec. 845. After June 15, 1971, no funds appropriated by this Act shall be available to support in the Department of Defense (military and intelligence) under the Intelligence and Defense.

This Act may be cited as the "Vietnam War Veterans Act, 1971."

Approved January 1, 1971

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1570 and 91-1799
SENATE REPORT No. 91-1392
CONGRESSIONAL RECORD, Vol. 106, Pt. 1, p. 10,000
Oct. 8, considered and passed
Dec. 8, considered and passed
Dec. 16, House agreed in certain S
Dec. 28, Senate tabled its amendment
Dec. 29, House and Senate

SECRET

Defense Appropriations Act

Approved For Release 2006/09/25 : CIA-RDP73B00296R000200030010-6

January 11, 1971

- 19 -

Pub. Law 91-668

84 STAT. 2038

Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972. Each such appropriation shall be merged with and shall be available for the same time period as appropriations made in this Act under the same head.

(b) Section 612 of the Department of Defense Appropriation Act, 1970 (Public Law 91-171, approved December 29, 1969), is hereby repealed.

Repeal.
83 Stat. 487.

[Sec. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

Laos or
Thailand,
introduction of
combat troops,
prohibition.
ABM sites,
prohibition.
Ante, p. 1224.
Certain Defense
employees,
limitation.

[Sec. 844. None of the funds appropriated in this Act shall be available for the purposes authorized by section 610, Public Law 91-511, approved October 26, 1970.

Sec. 845. After June 15, 1971, no part of the funds in this Act shall be available to support in excess of 138,000 personnel of the Department of Defense (military and civilian) assigned to activities managed under the Intelligence and Security Program of the Department of Defense.

This Act may be cited as the "Department of Defense Appropriation Act, 1971."

Short title.

Approved January 11, 1971.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1570 (Comm. on Appropriations) and Nos. 91-1759 and 91-1799 (Comm. of Conference).

SENATE REPORT No. 91-1392 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Oct. 8, considered and passed House.

Dec. 8, considered and passed Senate, amended.

Dec. 16, House agreed to Conference Report No. 91-1759; concurred in certain Senate amendments with amendments.

Dec. 28, Senate tabled Conference Report No. 91-1759; insisted on its amendments and requested further conference.

Dec. 29, House and Senate agreed to Conference Report No. 91-1799.

Pub. Law 91-652

- 2 -

January 5, 1971

64 STAT. 1942
64 STAT. 1943

Foreign
currencies,
Pakistan.

U.S. troops
in Cambodia,
restriction
on funds.

Cooper/Church
AMEND.

75 Stat. 424;
62 Stat. 966.
22 USC 2151-
2410.

Additional
assistance,
Cambodia,
22 USC 2310,
2360, 2364.

Notification
to Congress.

(2) by striking out the period at the end thereof and inserting the following: "Provided, That, in addition to any other funds available for such purpose, \$15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation, and reconstruction assistance for the benefit of cyclone, tidal wave, and flood victims in East Pakistan."

(b) Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

Sec. 7. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

Sec. 8. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 652. LIMITATION UPON ADDITIONAL ASSISTANCE TO CAMBODIA.—The President shall not exercise any special authority granted to him under sections 506(a), 610(a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

Approved January 5, 1971.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1676 (Comm. on Foreign Affairs) and No. 91-1791 (Comm. of Conference).

SENATE REPORT No. 91-1437 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Dec. 9, considered and passed House.

Dec. 15, 16, considered and passed Senate, amended.

Dec. 22, House and Senate agreed to conference report.

GPO 48-139